

imposed, may be recovered on motion before the Justice, who tried the action, unless the witness, on a notice of five days, by affidavit or other proof, show sufficient excuse for his failure to attend.

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## CHAPTER III.

### ARREST AND BAIL.

#### §511.—Provisions of Code of Civil Procedure applicable.

The provisions of the Code of Civil Procedure, Title X, Chapter I, are applicable, except as herein otherwise directed, to proceedings in Justice's Courts concerning "*Arrest and Bail*," substituting the words "*Constable*" for the word "*Sheriff*," and the words "*Justice of the Peace*" for the words "*Judge, Court or Clerk*," whenever they occur in said chapter.

#### §512.—Arrest, in what cases.

The defendant may be arrested in the following cases:

1. When the defendant has been guilty of a fraud in contracting the debt or obligation for which the action is brought.
2. When the defendant is not a resident of the State, or is about to remove therefrom.
3. When the defendant has removed or disposed of his property, or is about to do so, with intent to defraud his creditors.

#### §513.—Order for arrest, by whom made.

An order for the arrest of the defendant must be obtained from the Justice of the Peace before whom the action is brought.

#### §514.—Affidavit to obtain order.

The order may be made where it appears to the Justice of the Peace, by affidavit of the plaintiff or of any other